IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

RPFC.No. 51 of 2002()

MC.288/2000 of FAMILY COURT, MANJERI. DT. 20.9.01.
.....

PETITIONER/ RESPONDENT

VELAYUDHAN, AGED 48 YEARS,
S/O.ANAYAMKUNNATHU KORAMMUTTY, POTHANNOOR AMSOM,
DESOM, P.O.POLPAKKARA, PIN 679 576, PONNANI TALUK

BY ADV. SRI.P.CHADRASEKHAR

RESPONDENT: RESPONDENT

CHANDRIKA, AGED 37 YEARS,
PATTATHU VALAPPIL KOTHA, POTHANNOOR AMSOM, DESOM,
P.O.POLPAKKARA, PIN 679 576, PONNANI TALUK.

BY ADV. SMT.K.V.RESHMI
SMT.C.S.SULEKHA BEEVI

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 11 / 07 /2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.MP. NO.5290/2002 IN RP(FC) 51/2002

DISMISSED

11.07.2007 **SD/- K.R.UDAYABHANU,. JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

R.P.(F.C.) NO. 51 of 2002

Dated 11th July, 2007.

ORDER

Revision petitioner who is the respondent/husband in M.C.288/2000 has sought for setting aside the order granting maintenance to the petitioner at the rate of Rs.400/- per month.

2. The evidence adduced in the matter consisted of the testimony of PW-1 and RW-1, the petitioner and respondent respectively. The contention of the revision petitioner/respondent is that he is only a labourer and is getting only a sum of Rs.85/- per day and that he is getting job only for 2 or 3 days in a week. No objective evidence has been produced to prove his illness although mentioned as a person of ill health. The court below has considered the evidence of both sides.

3. I find that the amount of Rs.400/- fixed on the basis of the evidence that the revision petitioner/respondent is a daily labourer, cannot be said to be excessive especially in the absence of any objective evidence as to the daily wages that he will be able to get.

In the circumstances, I find no reason to interfere in the findings of the Family court in this regard. The R.P.(F.C) is dismissed.

(K.R.UDAYABHANU)
JUDGE.

kvm/-

K.R.UDAYABHANU, J.

R.P.F.C. 51 OF 2002.

ORDER

11-7-2007.